

Applicants: Nogin et al.
Application Serial No.: 10/668,490
Filing Date: September 23, 2003
Docket No.: 1386-2
Reply to Final Office Action mailed September 1, 2004
Page 8 of 13

REMARKS

The final Office Action mailed September 1, 2004 and the references cited therein have been carefully considered. Claim 1 has been amended in a sincere effort to further clarify that which Applicants regard as the invention. Support for this Amendment is found generally within the specification, claims, and drawings, as originally filed. Specifically, support for the amendments to Claim 1 is provided at page 5, line 28 through page 7, line 10 of the specification and shown in Figures 2, 3, 6, and 7.

Applicants would like to take this opportunity to thank the Examiner for conducting a telephonic interview with the undersigned on September 16, 2004. During the interview, amendments, which are submitted herewith, were suggested to further clarify the subject matter recited therein. In addition, arguments submitted during the interview to further clarify distinctions between the claimed subject matter and the cited references were favorably received by the Examiner and are also set forth herein.

Claims 1-5, 7, 8, 13, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,757,787 to Sergent (*Sergent*) in view of U.S. Patent No. 4,798,307 to Evrard (*Evrard*). Specifically, the Office Action indicates that *Sergent* discloses a mop storage container, which comprises a lower housing 1, including an upper side, a first opening (the perimeter of which is defined by edge 6) and an upper housing 4, including first and second members extending upwardly from the lower housing. The Office Action also states that *Evrard* discloses a strainer 18 with a plurality of openings disposed across a lower opening in a mop storage container 11. The Examiner concludes that modification of the container in *Sergent* to employ a strainer portion at a lower opening thereof, as taught by *Evrard*, would have been obvious in order to allow residual particulate matter to pass through the strainer without allowing the mop to pass therethrough.

Applicants: Nogin et al.
Application Serial No.: 10/668,490
Filing Date: September 23, 2003
Docket No.: 1386-2
Reply to Final Office Action mailed September 1, 2004
Page 9 of 13

Claims 16-20, 22, 23, 27, and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Sargent* in view of *Evrard*. Specifically, the Office Action indicates that the method of storing a mop as claimed is met by the disclosed use of the container in *Sargent* as modified by *Evrard*.

Claims 9-12 and 24-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Sargent*, *Evrard*, and U.S. Patent No. 1,869,753 to Kamm (*Kamm*). The Office Action states that *Kamm* discloses a draining tool-storing container including a gasket 26 disposed between a handle of the tool and hinged members defining the container. The Examiner indicates that modification of the members in *Sargent* to employ the gasket in *Kamm* would have been obvious to render the upper housing air tight.

Claims 14 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Sargent*, *Evrard*, and U.S. Patent No. 5,645,167 to Conrad (*Conrad*). The Office Action indicates that *Conrad* discloses a draining tool-storing container including latching members 44 to retain the members in proximity to one another and that it would have been obvious to modify *Sargent* to employ latching means to maintain the container in a closed position.

Claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Sargent* in view of *Evrard* and *Kamm*. The Office Action suggests that modification of the container in *Sargent* to employ a strainer portion at a lower opening, as taught by *Evrard*, would have been obvious to allow residual particulate matter to pass through the strainer without allowing the mop to pass therethrough. The Examiner states that modification of the members of *Sargent* to employ the gasket taught in *Kamm* would have been obvious in order to render the upper housing air tight.

The present invention is directed to a mop storage container for storing a mop having a head and a handle, which includes a lower housing, an upper housing, and a strainer. The lower housing includes an upper side and at least one first opening disposed on the upper side. The upper housing includes first and second members extending upwardly from the

Applicants: Nogin et al.
Application Serial No.: 10/668,490
Filing Date: September 23, 2003
Docket No.: 1386-2
Reply to Final Office Action mailed September 1, 2004
Page 10 of 13

lower housing. The first opening on the upper side of the lower housing is in fluid communication with the upper housing. At least one of the first and second members is flexibly or pivotably attached to the lower housing and the first and second members are adapted to receive a head of the mop when spread apart. The first and second members are adapted to substantially contain the head of the mop in the upper housing when the first and second members are brought together. The strainer comprises a plurality of openings and the strainer is disposed across the at least one first opening in the lower housing, as now defined by amended Claim 1.

The invention is also directed to a method of storing a mop after its use, which includes the steps of providing a lower housing, providing an upper housing, disposing a strainer across the at least one first opening in the lower housing, and attaching at least one of the first and second members flexibly or pivotably to the lower housing. The method also includes separating the first and second members, providing a mop having a head and handle, and inserting the head of the mop between the first and second members in the upper housing. The method further includes bringing the first and second members substantially together around the head of the mop, and collecting fluid in the lower housing that has dripped from the head of the mop through the at least one first opening, as now defined by Claim 16.

The invention is yet further directed to a mop storage container for storing a mop having a head and a handle, which includes lower and upper housings, a strainer, and first, second, and third gaskets. The lower housing includes an upper side and at least one first opening disposed on the upper side. The upper housing includes first and second members extending upwardly from the lower housing. The at least one first opening on the upper side of the lower housing is in fluid communication with the upper housing, and at least one of the first and second members is hinged to the lower housing. The first and second members are adapted to receive the head of the mop in the upper housing when the first and second member is spread apart. The first and second members are adapted to substantially contain the head of the mop in the upper housing when brought together.

Applicants: Nogin et al.
Application Serial No.: 10/668,490
Filing Date: September 23, 2003
Docket No.: 1386-2
Reply to Final Office Action mailed September 1, 2004
Page 11 of 13

The upper housing includes at least one second opening defined by a first recessed edge of the first member and a second recessed edge of the second member when the first and second members are brought together. At least one second opening is adapted to enable the handle of the mop to project therethrough when the head of the mop is substantially contained in the upper housing. The lower housing includes at least one third opening adapted for draining fluid collected in the lower housing. The strainer is disposed across the at least one first opening in the lower housing and includes at least one fourth opening. The first gasket is in contact with the first recessed edge and the second recessed edge. The second gasket is disposed between the first and second members, and the third gasket is disposed between the upper and lower housings, as now defined by Claim 30.

If, as the Office Action indicates, a lower housing 1 is defined in *Sargent* as having an upper side and a first opening, the perimeter of which is defined by edge 6, then the combination of *Sargent* and *Evraud* is inoperable as taught when the strainer shown in *Evraud* is disposed “across the first opening”, as defined by Claims 1, 16, and 30. This is due to the pivot points 3 of the shell-like members 4 being required to be below the edge 6, as taught in *Sargent*. That is, the *Sargent* invention will not operate if the pivot points 3 are brought above the edge 6 since the shell-like members 4 will have nothing to urge them towards the closed state, a feature that is emphasized at column 1, line 63 through column 2, line 36 of *Sargent*. Further, nothing in either of the references would suggest how to modify the *Sargent* invention to make it operate with a strainer disposed across the opening, as recited in each of the independent claims.

In addition, Claims 1, 16, and 30 recite a lower housing including an upper side with a first opening disposed on the upper side. In contrast, *Sargent* shows a base member 1 with a concave upper surface or indentation, which cannot be viewed as an opening in the housing, since the housing remains closed in that area. Thus, nothing in *Sargent* would teach or suggest a lower housing with an upper side having a first opening, as is also defined by Claims 1, 16, and 30.

Applicants: Nogin et al.
Application Serial No.: 10/668,490
Filing Date: September 23, 2003
Docket No.: 1386-2
Reply to Final Office Action mailed September 1, 2004
Page 12 of 13

In addition, there is no motivation in any of the references to combine the references in the manner suggested by the Examiner, and thus the combination would be based on improper hindsight in view of the subject invention. Further, even if the references were combined, the results would not operate as taught in the references and discussed above.

Applicants respectfully note that in order to support a claim of *prima facie* obviousness, the cited references must teach or suggest each and every element of the invention, and there must be a motivation in the references or the prior art to combine the references and the prior art, as suggested. However, nothing in the art of record would teach or suggest, either alone or in combination, a mop storage container or method of storing a mop, in which the container includes a strainer disposed across at least one first opening in the lower housing, as now defined by Claims 1, 16, and 30.

Applicants respectfully submits that Claims 2-5 and 7-15, which ultimately depend from Claim 1, and Claims 17-20 and 22-29, which ultimately depend from Claim 16 are patentable over the art of record by virtue of their dependency from Claims 1 and 16, respectfully. Further, Applicants submit that Claims 2-5, 7-15, 17-20, and 22-29 define patentable subject matter in their own right. Therefore, it is respectfully requested that the rejection of Claims 1-5, 7-20, and 22-30 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Applicants: Nogin et al.
Application Serial No.: 10/668,490
Filing Date: September 23, 2003
Docket No.: 1386-2
Reply to Final Office Action mailed September 1, 2004
Page 13 of 13

In view of the foregoing Amendment and remarks, favorable consideration of Claim 1, as amended; favorable reconsideration of Claims 2-5, 7-20, and 22-30; and allowance of pending Claims 1-5, 7-20, and 22-30 are respectfully and earnestly solicited.

Respectfully submitted,



Rod S. Turner
Registration No. 38,639
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516-822-3550)
RST:mak:me